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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined eighth and ninth periodic reports of the Lao People's Democratic Republic

Constitutional, legislative and policy framework

1. It is indicated in the combined eighth and ninth periodic reports of the State party (CEDAW/C/LAO/8-9) that a number of developments took place within the reporting period to harmonize legislation and ensure that the provisions of international human rights treaties, in particular the Convention, are directly applicable and prevail over conflicting legislation (para. 17).[1] In that regard, it is indicated in article 9 of the Law on Making Legislation of 2012 that, where inconsistencies exist between national legislation and relevant international human rights treaties, national legislation shall be amended in due time. Please clarify the meaning of "in due time" in this regard and indicate whether a specific time frame for amending national legislation regarding gender equality and non-discrimination on the basis of sex has been envisaged. With regard to the amendments to articles 35 and 37 of the Constitution (para. 16) and the provisions outlined in article 4 of the Law on Preventing and Combating Violence against Women and Children of 2014 in relation to discrimination, please indicate whether measures have been taken to implement those provisions, incorporate the principle of equality into all legislation and define and prohibit all forms of discrimination against women, including direct, indirect, formal and de facto discrimination by State and non-State actors, in accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals. With regard to the Women's Caucus of the National Assembly (para. 9), please provide information on cases in which the Convention has been referred to when examining bills submitted by the Caucus and on the outcomes of those cases. Please also specify whether rural

[1] Unless otherwise indicated, paragraph numbers refer to the combined eighth and ninth periodic reports of the State party.

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women, women from ethnic groups and migrant women are involved and whether their views are adequately represented.

Access to justice

2. Please provide data on how amendments to article 41 of the Constitution, which provides for the submission of complaints and petitions by citizens of the State party (para. 26), have improved effective access to justice for women, in particular rural women and women from ethnic groups, and indicate whether steps have been taken to measure the impact of these complaint mechanisms in relation to eliminating gender stereotypes and intersecting discrimination when administering justice. Please also indicate the measures in place to harmonize customary law and formal legal systems, given that, in some ethnic communities, women are traditionally excluded from participating as parties in conflict resolution processes. Please also provide information on steps taken to address the persistent barriers, including financial, geographic and linguistic, that prevent rural women and women from ethnic groups from gaining access to justice. Please provide examples of cases, if any, in which the provisions of the Convention have been referred to by the national courts and indicate the measures taken to increase the legal literacy of women, in particular those living in rural and remote areas, with regard to procedures available to them to enforce their rights under the Convention, challenge discrimination and obtain redress. Please also provide information on steps taken to ensure due diligence by law enforcement personnel when conducting investigations in order to encourage reporting and avoid revictimization.

National machinery for the advancement of women

3. Please indicate how the merger of the National Commission for Mothers and Children and the National Commission for the Advancement of Women to form the National Commission for the Advancement of Women, Mothers and Children, in 2016, has strengthened the national machinery for the protection of women's human rights and gender equality. Please indicate whether the aforementioned entity has a clearly defined mandate and adequate human, financial and technical resources. Please also specify whether there is effective coordination between the National Commission and local commissions at the provincial, district and village levels, in particular those situated in rural and remote areas of the country. Please also indicate whether the Convention and the Committee's general recommendations are being integrated into capacity-building programmes for lawmakers, judges, prosecutors, lawyers and law enforcement officials. Please also inform the Committee about how article 6 (11) of the amended Law on State Budget of 2015 is applied in practice and whether it incorporates a gender perspective. Please also elaborate on steps taken to establish an independent national human rights institution whose competencies include issues relating to the equality of women and men, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Temporary special measures

4. Reference is made in the report to initiatives outlined in the eighth five-year national socioeconomic development plan, covering the period 2016–2020, to facilitate the participation of women in political and public life (para. 33). Please indicate the criteria applied when the plan's targets were adopted and the measures in place to ensure their implementation. Please also provide information on additional measures, including temporary special measures, put in place in order to incorporate a gender perspective into policies and budgets and formulate, implement and evaluate affirmative action to accelerate progress for long-lasting impact, including in political

processes, decision-making positions in education and male-dominated sectors of employment, with a view to achieving substantive equality. Please specify whether the State party envisages the adoption of other temporary special measures, in particular those that would benefit women from ethnic groups, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, in order to accelerate the full and equal participation of women in all areas covered by the Convention, especially those in which they are disadvantaged or underrepresented.

Stereotypes and harmful practices

5. Please elaborate on measures in place to address intersecting forms of discrimination against women, especially given the multi-ethnic nature of the State party. Please provide information on steps taken to develop a comprehensive strategy to change social and cultural patterns that reinforce traditional gender stereotypes, in particular among ethnic groups, with regard to the roles and responsibilities of women and men in the family and in society, targeting schools in particular, as well as negative media messaging and portrayals of women. Please also specify whether there has been progress in developing awareness-raising campaigns targeting women from ethnic groups in collaboration with civil society and women's organizations, with a view to enhancing a positive and non-stereotypical portrayal of women, as recommended previously by the Committee (CEDAW/C/LAO/CO/7, para. 22).

Violence against women

6. Reference is made in the report to significant legislative and institutional advancements to combat violence against women in the State party, including the adoption of the Law on Preventing and Combating Violence against Women and Children. Please indicate the measures in place to ensure the full implementation of the law and whether sufficient human, financial and technical resources have been made available to support it. Please specify whether the provisions outlined in articles 48 and 49 of the law that encourage family mediation in cases of violence against women are being reconsidered. Please also indicate the measures envisaged for providing adequate training to members of the judiciary, law enforcement personnel, public health officials and village mediation units in identifying the causes of gender-based violence when addressing individual cases.

7. Please provide updated information on the number of cases of violence against women that have been processed since the adoption of the Law on Preventing and Combating Violence against Women and Children and how many have resulted in prosecution. Please also indicate whether there have been further developments in the establishment of a standard system for the regular collection of statistical data on violence against women, disaggregated by type of violence, ethnic group and the circumstances in which the violence was committed, including information on perpetrators and victims and their relationship, as previously recommended by the Committee (ibid., para. 24).

8. Please indicate the measures in place to prevent the stigmatization of victims of violence and abuse in the State party, in particular in the light of the results of the Lao national survey on women's health and life experiences of 2014, which indicated that 43.2 per cent of women who encountered partner violence did not report the incident owing to embarrassment and the fear of social stigma. Please also indicate the measures in place to ensure that perpetrators of acts of violence are prosecuted and adequately punished and the victims provided with adequate protection, assistance and reparation, including compensation.

Trafficking and exploitation of prostitution

9. According to information before the Committee, the State party is a source and destination country for women and girls subjected to sex trafficking and forced labour. It is indicated in the report that, in 2015, a draft law on combating trafficking in persons was adopted, along with implementing mechanisms (para. 68). Please provide information on the number of cases of trafficking in persons, in particular women and girls, that have been investigated since the adoption of the legislation. Please also indicate the measures in place to identify the alleged perpetrators, including those who are involved in organized crime, and specify the nature of the sanctions imposed. Please also provide details on the functions of the Prevention and Anti-Trafficking Department established within the General Police Department (para. 67). Please indicate the specific measures taken to address the increased risk of trafficking for sexual exploitation and forced labour faced by women, adolescents and girls from rural and remote areas along the border regions owing to the commercialization of agriculture. Please also specify whether civil society, including women's non-governmental organizations, is fully involved in public policy discussions to combat trafficking in persons through the national steering committee on the subject (para. 66).

Participation in political and public life

10. Please provide information on the measures taken to replicate national advancements made in the participation of women in political and public life, given that women now represent 27.5 per cent of the National Assembly, at the provincial and local levels, where only 8 per cent of deputy provincial governors and 2.6 per cent of village chiefs are women (para. 81). Please also indicate whether measures have been taken to amend legislation and policies relating to the participation of women in political and public life, to incorporate provisions that promote the equal representation of women and men in leadership and decision-making at all levels and in all areas of political and public life and to develop women's leadership capabilities to occupy those roles. Please also indicate the measures taken to address the structural, gender-based and ethnic-based discriminatory practices and attitudes, including those originating from the social norms of ethnic groups, that prevent women from ethnic groups and rural women from enjoying full and equal participation in political decision-making, as previously recommended by the Committee (CEDAW/C/LAO/CO/7, para. 32).

Education

11. Reference is made in the report to significant legislative provisions and policies aimed at reforming the education system (para. 89). Please indicate the measures in place to implement those policies and specify the steps taken to address the findings of the fourth population and housing census (2015), which indicated that females were twice as likely not to have attended school as males and that 21 per cent of adult women had no educational attainment. Please also indicate whether effective measures, including temporary special measures, are in place to increase female enrolment in non-traditional areas of vocational training and technology- and science-based studies, including science, technology, engineering and mathematics at the secondary and tertiary levels. In that regard, please specify whether the impact of such measures has been evaluated and identify whether the integration of girls into the labour market is monitored after they have completed their education. Please also indicate whether there have been developments with regard to providing multicultural education for girls from ethnic groups as a means of accelerating their access to all levels of education. Please describe how the national policy on education (para. 89) has been implemented, including in rural and remote areas, and whether its impact

has been evaluated. Please also provide data on the dropout rates of girls owing to pregnancy and the indirect costs of education that could impede the access of women and girls to education, in particular in female-headed households and ethnic communities. Please indicate whether alternative development funding sources have been identified as a means of reducing dependence on official international development assistance for education projects.

Employment

12. Please provide information on specific steps taken to promote women's employment in non-traditional, higher-wage sectors, including through the use of temporary special measures, and to enforce the principle of equal pay for work of equal value, in line with International Labour Organization Equal Remuneration Convention, 1951 (No. 100). Please also include information on the engagement of women in the informal sector and measures in place to ensure their protection, the sustainability of their enterprises and their integration into the social protection floor, if any. Following the adoption, in 2013, of the amended Labour Law (para. 100), please indicate the steps taken to implement the Committee's recommendation to adopt a comprehensive approach to improving the working conditions of women in garment factories, including by providing a safe physical work environment, decent working hours and access to medical insurance, as well as protecting women against discrimination and exploitation in the workplace (CEDAW/C/LAO/CO/7, para. 36). Please also provide details on whether labour inspection mechanisms are in place throughout the country and on particular trends identified in terms of the types of violations that women employees face and the mechanisms in place to address them. Please also indicate the measures taken to address the persistent gender wage gap.

Health

13. Please provide information on the percentage of the national budget allocated to women's health and on women's access to basic health-care services, including essential obstetric care and sexual and reproductive health services. Please also indicate the measures being taken to improve maternal health services by increasing regional access to adequate institutional and professional capacities and strengthening outreach services, in particular in hard-to-reach and remote areas. Please provide information on the specific measures in place to provide birth kits and access to modern contraceptives, in particular for women living in remote and rural areas and in ethnic communities. Please elaborate on the specific functions of the committees for the control of AIDS and indicate whether they are provided with the human, financial and technical support necessary to implement their mandate using a gender perspective. Please provide information on the Law on HIV/AIDS Control and Prevention of 2010 and indicate whether measures have been taken to evaluate its impact, in particular on reducing prevalence in women and girls, including migrant women (para. 117). Please indicate whether there are plans to decriminalize abortion in all cases and specify whether there is a time frame in place for adopting this legislation.

Women with disabilities

14. Please provide an update on the measures taken to adopt Decree No. 137 on Persons with Disabilities (2014) (para. 131). Please provide information on the extent to which women with disabilities are disproportionately affected by poverty and a lack of access to health services, education and employment. Please provide specific examples of existing social protection schemes aimed at reducing the economic burden on women in disadvantaged groups, including women with disabilities. Please indicate the measures in place to ensure that women and girls with disabilities who

are victims of violence have adequate access to justice, including legal aid, victim and witness protection programmes and medical and psychosocial assistance. Please also indicate whether the perpetrators of such violence are adequately punished.

Rural women

15. Please provide an update on phase II of the Lao Poverty Reduction Fund, covering the period 2012–2015 (para. 128), and specify whether its impact on rural women living in extreme poverty has been evaluated. In line with the Committee's general recommendation No. 34 (2016) on the rights of rural women, please describe to what extent rural women and women from ethnic groups have been involved in the development of the Fund and others outlined in the report in order to address extreme poverty. Please specify whether the proposed amendments to the Land Law of 2003, envisaged for 2018, will provide for greater ownership of key assets by rural women active in the agriculture sector. Please indicate whether the provision of more accessible credit systems for women in the sector is envisaged to minimize restrictions on taking out loans, such as the requirement that land titles be used as collateral. Please also indicate the measures in place to ensure that women from ethnic groups living in rural and remote areas have control over their resources and are able to continue to practise the positive aspects of their culture and traditions without hindrance.

16. Please specify whether measures, including temporary special measures, have been adopted to address the disparities that rural women and women from ethnic groups face with regard to access to land and property, as well as basic social services, including education and health, and participation in decision-making processes, as previously recommended by the Committee (CEDAW/C/LAO/CO/7, para. 45).

Migrant women

17. Please provide information on measures taken or envisaged to combat all forms of discrimination against migrant women and ensure their adequate access to training and employment, social security and social services, housing, health care and education. Please also provide information on measures taken or envisaged to ensure that migrant women receive adequate protection and assistance in cases of domestic violence. Please provide updated data on the employment rate and working conditions of migrant women in the State party. Please indicate the measures taken to prevent and combat violence against migrant women. Please specify whether the views of women, in particular women from ethnic groups, are adequately represented on the steering committee on domestic workers and the legalization of the status of Lao workers in Thailand (para. 104).

Marriage and family relations

18. Please indicate the specific steps taken to implement measures to eliminate polygamy, in line with article 4 of the Family Law of 2008. Please also indicate the measures taken to implement amendments to the Family Law, which prohibits the lowering of the age of marriage to 15 years, and to reduce the persistently high rate of child marriage, in particular in the light of the alleged ease with which birth registration and identity documents can be falsified. Please specify the safeguards in place to protect girls under the age of 18 years who have been allowed to marry and indicate the measures taken to change cultural attitudes regarding child marriage through awareness-raising campaigns, in particular in rural and ethnic communities. Please provide information on whether and how considerations of gender-based violence against women in the domestic sphere are taken into account when ruling on child custody and visitation rights. Please also provide an update on the regulations

pertaining to child maintenance, including whether a minimum level of maintenance has been established.

Disaster risk reduction and climate change

19. Given that the State party is susceptible to flooding and drought (para. 125), please provide information on whether a gender perspective has been incorporated into national disaster management, relief and recovery strategies and specify whether adequate resources are available for its implementation, indicating whether women participate at all stages of the process.

Optional Protocol to the Convention and amendment to article 20 (1) of the Convention

20. Please indicate whether progress has been made with respect to the ratification of the Optional Protocol to the Convention and acceptance of the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.